



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

JAN 17 2013

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-127

Certified Mail Number 7011 2970 0000 0876 2916
Return Receipt Requested

James Cagle, Risk Manager - EHS
Nu-West Industries, Inc.
Agrium Conda Phosphate Operations
3010 Conda Road
Soda Springs, Idaho 83276

Re: A-34 Lateral Assessment Work Plan, dated January 9, 2013;
Administrative Order on Consent for Nu-West Industries, Inc.;
Idaho Facility, Docket No. RCRA-10-2009-0186

FILE COPY

Dear Mr. Cagle:

The purpose of this letter is to approve the A-34 Lateral Assessment Work Plan, dated January 9, 2013, submitted to EPA pursuant to the Administrative Order on Consent, Docket No. RCRA-10-2009-0186. However, this approval does not extend to the "A-34 Investigation Report – November 30, 2012", documenting the actions taken to date by Nu-West Industries to locate the source(s) of release(s) impacting the A-34 location. This report was included as an Appendix B to the A-34 Lateral Assessment Work Plan.

As I indicated to you by email on December 10, 2012, EPA and the Idaho DEQ have concerns with the adequacy of the evaluations conducted at sumps, tanks, and other areas in attempting to locate the source(s) of fluids contributing to the low pH at the A-34 location.

Should you have any questions, I may be reached at (206) 553-2964. Alternatively, you may reach me via email at: Magolske.Peter@epamail.epa.gov. Thank you for your attention to this important matter.

Sincerely,

Peter Magolske
Air and RCRA Compliance Unit

Enclosure

cc: Brian Monson, Idaho Department of Environmental Quality
P. Scott Burton, Esq. Hunton and Williams LLP
Timothy J. Carlstedt, Esq. Hunton and Williams LLP